

EXHIBIT 39

Survey of Average Associate/Contract Attorney Billed Rates in PSLRA Cases that Settled for \$400 Million or More*

No.	Order	Total Settlement Amount	Settlement Year	Associate Average Billed Rate	Contract Attorney Average Billed Rate	Contract Attorney Rate as % of Associate Rate	Case No. & Docket Entry for Associate and Contract Attorney Billed Rates
1	<i>In re Enron Corp. Sec., Deriv. & ERISA Litig.</i> , 586 F. Supp. 2d 732 (S.D. Tex. 2008)	\$ 7,227,390,000	2008	\$349.90	\$305.83	87.40%	No. 01-cv-03624 at Dkt. Nos. 5818, 5825-28, 5830-35
2	<i>In re WorldCom, Inc. Sec. Litig.</i> , 388 F. Supp. 2d 319 (S.D.N.Y. 2005)	\$ 6,156,100,670	2004 and 2005	\$298.47	\$270.73	90.71%	No. 02-cv-3288 at Dkt. No. 2793
3	<i>In re Tyco Int'l Ltd. Multidistrict Litig.</i> , 535 F. Supp. 2d 249 (D.N.H. 2007)	\$ 3,200,000,000	2007	\$393.23	\$300.71	⁶ 76.47%	No. 02-md-01335 at Dkt. No. 1146
4	<i>In re Nortel Networks Corp. Sec. Litig.</i> ("Nortel II"), No. 04 Civ. 02115 (S.D.N.Y. Dec. 26, 2006) (Dkt. No. 177)	\$ 1,074,265,298	2006	\$279.42	\$274.62	98.28%	No. 05-md-01659 at Dkt. No. 61
5	<i>In re UnitedHealth Group Inc. PSLRA Litig.</i> , 643 F. Supp. 2d 1094 (D. Minn. 2009)	\$ 925,500,000	2009	\$374.71	\$329.58	87.96%	No. 06-cv-01691 at Dkt. No. 822-23
6	<i>In re HealthSouth Corp. Sec. Litig.</i> , No. 03 Civ. 1500 (N.D. Ala.) (Dkt. Nos. 1112, 1617, 1721, 1722)	\$ 804,500,000	² 2008, 2009, 2010	\$335.00	\$322.56	⁶ 96.29%	No. 03-cv-1500 at Dkt. Nos. 1055, 1069, 1608, 1692
7	<i>Carlson v. Xerox Corp.</i> , 596 F. Supp. 2d 400 (D. Conn. 2009)	\$ 750,000,000	2009	\$337.84	\$300.38	88.91%	No. 00-cv-01621 at Dkt. No. 496
8	<i>In re Wachovia Preferred Sec. & Bond/Notes Litig.</i> , No. 09 Civ. 06351 (S.D.N.Y. Jan 03, 2012) (Dkt. No. 161)	\$ 627,000,000	2011	\$427.33	\$352.94	⁶ 82.59%	No. 09-cv-06351 at Dkt. No. 148
9	<i>In re Cardinal Health Inc. Sec. Litig.</i> , 528 F. Supp. 2d 752 (S.D. Ohio 2007)	\$ 600,000,000	2007	\$374.80	\$289.04	77.12%	No. 09-cv-06351 at Dkt. No. 319
10	<i>In re Lehman Bros. Sec. & ERISA Litig.</i> , No. 09 MD 2017 (S.D.N.Y. June 29, 2012) (Dkt. No. 970)	\$ 516,218,000	2012	\$425.27	\$300.00	⁶ 70.54%	No. 09-md-2017 at Dkt. No. 807
11	<i>In re Merrill Lynch & Co., Inc., Sec., Deriv. & ERISA Litig.</i> , No. 07 Civ. 9633, 2009 WL 2407551 (S.D.N.Y. Aug. 04, 2009)	\$ 475,000,000	2009	\$390.00	\$400.00	⁷ 102.56%	No. 07-cv-9633 at Dkt. No. 246
12	<i>In re Dynegy, Inc. Sec. Litig.</i> , No. H-02-1571 (S.D. Tex. July 7, 2005) (Dkt. No. 686)	\$ 474,050,000	³ 2005	\$305.29	\$340.00	111.37%	No. 02-cv-01571 at Dkt. No. 678
13	<i>In re Raytheon Co. Sec. Litig.</i> , No. 99 Civ. 12142 (D. Mass. Dec. 06, 2004) (Dkt. No. 645)	\$ 460,000,000	⁴ 2004	\$306.79	\$295.00	96.16%	No. 99-cv-12142 at Dkt. No. 633-38
14	<i>In re Qwest Commc'ns Int'l Inc. Sec. Litig.</i> , No. 01 Civ. 01451 (D. Colo. Sept. 29, 2006) (Dkt. No. 1051); 625 F. Supp. 2d 1143 (D. Colo. 2009)	\$ 445,000,000	⁵ 2006	\$308.41	\$306.00	99.22%	No. 01-cv-01451 at Dkt. Nos. 933-34, 939, 1162

AVERAGE:	\$350.46	\$313.39	89.42%
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No.	Order	Total Settlement Amount	Settlement Year	Associate Average Billed Rate	Contract Attorney Average Billed Rate	Contract Attorney Rate as % of Associate Rate	Case No. & Docket Entry for Associate and Contract Attorney Billed Rates
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* For our empirical study of project attorney/contract attorney and associate rates, only attorneys listed as “contract attorneys,” “contract associates,” “temporary attorneys,” “project associates,” or “project attorneys” in their respective lodestar summary declarations have been included in the average calculations. “Staff attorneys” and “staff associates” have been excluded, as it is not possible to determine their actual employment status from their respective firms’ declarations. We also only included firms that affirmatively labeled their associates as “associates” in their fee declarations. Firms that designated associates as “attorneys” or simply “A” have not been included. Likewise, firms that listed only partners or did not categorize their attorneys as either partners or associates have been excluded from our analysis. Furthermore, firms that list categories such as “associates/staff attorneys,” “project associates/staff attorneys,” “associates/of counsel”, or “other attorneys” without any distinction between the different attorney types have been excluded.

Footnotes:

¹ Nortel II provided for \$370,157,428 and 314,333,875 shares of Nortel common stock valued at \$2.24/share. 8% of each was awarded to counsel, resulting in \$29,612,594.24 in cash and 25,146,710 shares of common stock.

² There were several different settlements in *HealthSouth* against various defendants over the course of 3 years: \$445 million in 2008, \$109 million in 2009, \$117 million in 2010, and \$133.5 million in 2010 for the Bonds case. Attorneys' fees of \$77,875,000 of \$445 million, or 17.5%, was approved in 2008, \$20,154,100 of \$109 million, or 18.49%, was approved in 2009, \$22,815,000 of \$117 million, or 19.5%, was approved in 2010 and \$17,355,000 of \$133.5 million, or 13%, was approved in 2010 for the Bonds case. The fee percentage and lodestar information here represent the aggregate of all the settlements.

³ In *Dynegy*, the settlement was \$406.05 million in cash and 17,578,781 shares worth \$68 million of Dynegy stock. The court awarded 8.7257% of both, which amounts to \$35,151,482 in cash and 1,533,872 shares of Dynegy common stock worth \$5.93 million, for a total fee of \$41.08 million.

⁴ There were two settlements in *Raytheon* against multiple defendants: \$210 million in cash and \$200 million worth of settlement warrants with certain defendants, and \$50 million with PricewaterhouseCoopers. The fee percentage and lodestar information here represent the aggregate of both of the settlements.

⁵ There were two settlements in *Qwest*: \$400 million with certain defendants in 2006 and \$45 million with other defendants in 2009. Attorneys' fees were \$60 million (or 15%) and \$6.75 million (or 15%) respectively. The fee percentage and lodestar information here represent the aggregate of both of the settlements.

⁶ In this case, there were also entries for “staff attorneys”. Because we cannot tell if they were hourly or full-time, they are not included in either category.

⁷ Only one “project associate” billed at \$400.